IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc 34624-M of 2007

Date of decision: 7.8.2007

Harchand Singh …Petitioner

Versus

State of Punjab …Respondent

Present: Ms Gursharan Kaur Mann, Advocate for the petitioner.
Mr IPS Sidhu, Sr DAG Punjab.

S.S.SARON, J.

This order will dispose of Criminal Misc 34624-M filed by Harchand Singh and 38239-M of 2007 filed by Vijay Seth as they both arise out of the same FIR and occurrence, for the offences under Sections 342, 392, 506/34 IPC and Sections 25, 54 and 59 of the Arms Act.

Heard counsel for the parties.

The FIR in the present cases has been registered on the statement of Gurwant Singh. It is alleged that the complainant – Gurwant Singh was carrying out his normal work in the house on the day of the occurrence i.e. on 26.3.2007 and at about 7.30 p.m. while he was putting fodder to the cattle, a person gave a call to him and stated that he was Bhagwant Singh and asked the complainant to open the gate. On opening the gate, the complainant saw that there were three persons with muffled faces. One of them put a double barrel gun on his ear and threatened for his life in case he would not go inside straightway. Thereafter, they locked the complainant, his wife, both his sons and servant Gurdeep Singh son of Mohinder Singh at gun point. They then opened the almirah in the bed room and took away various articles including

gold ornaments and Rs 10,000/- cash and also a double barrel rifle along with 25 rounds, one mobile Nokia phone and the Indica Car silver grey colour. While leaving they threatened to kill the complainant and others and they also broke the Tata Indicom telephone set.

The learned Sessions Judge vide his order dated 3.5.2007 has observed that after the arrest of the accused, 62 gms gold along with mobile phone was recovered from Pawan Kumar - petitioner. It is submitted by the learned counsel for the respective petitioners that no identification parade of the petitioners has been done and they have been falsely implicated.

The petitioners are in custody since March 2007 and the trial in the case is likely to take time. The question regarding identity of the petitioners indeed is to be gone into by the trial Court after evidence has been led and is to be established by the prosecution during the trial. It may also be noticed that Davinder Singh, the co-accused has been granted bail by the SDJM Ajnala by giving him the benefit of provisions of Section 167(2) CrPC.

Keeping in view the nature of the allegations attributed to the respective petitioners, it would be just and expedient to admit them to bail. Consequently, the petitioners, on their furnishing personal bond and two sureties each to the satisfaction of CJM Amritsar, shall be admitted to bail. The CJM Amritsar shall release the petitioners on bail on furnishing of the necessary sureties and shall ensure that one of the two sureties is to be furnished by each of the petitioners from respectables of Raja Sansi who shall undertake that they shall maintain peace and be of good behaviour during their trial.

7.8.2007 (S.S.SARON)
ASR JUDGE